

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/MAH-082-PC		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/003243	International filing date (day/month/year) 26.03.2004	Priority date (day/month/year) 27.03.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant MAHLO GMBH & CO. KG			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003243

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-14 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 1-10 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* _____ received by this Authority on _____
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/11-11/11 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003243

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 10

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 10

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003243

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Citations:

This report makes reference to the following documents:

D1: EP-A-0 816 554 (MAHLO GMBH & CO KG)
7 January 1998 (1998-01-07) (mentioned in the application)

D2: DE 32 34 608 A (KRAFT HANS RAINER DR ING)
22 March 1984 (1984-03-22)

D3: EP-A-0 889 320 (MAHLO GMBH & CO KG)
7 January 1999 (1999-01-07)

D4: DE 43 35 121 A (MASSEN ROBERT PROF DR ING)
4 May 1995 (1995-05-04)

D5: DE 196 32 478 A (FRAUNHOFER GES FORSCHUNG)
19 February 1998 (1998-02-19)

D6: EP-A-0 837 322 (SAECHSISCHES TEXTILFORSCH INST)
22 April 1998 (1998-04-22)

1. Novelty (claim 1)

D1 discloses (see claims 1-3):

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

a process for scanning a textile web with imaging optical inspection means, involving:

a) capturing the object using the inspection means and storing the image data obtained.

D1 does not disclose the steps:

b) segmentation of the image data obtained on the basis of the textural differences identifiable in the image;

c) determination of segment features for individual image segments, such as segment centre, segment surface and segment principal axis, on the basis of which a clear coordinate system can be defined for the object and corresponding objects of the same type, said coordinate system being invariant in regard to twist, reflection, stretch, compression and distortion of the object, wherein measurement sites are defined on the basis of the coordinate system.

Consequently, the subject matter of claim 1 can be considered novel (PCT Article 33(1) and (2)).

2. Inventive step (claim 1)

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

33(3) .

D1 discloses a process for scanning a textile web with imaging optical inspection means and is considered to represent the prior art closest to the subject matter of claim 1. Although the process described in D1 enables distortion to be identified in an extended web, an individual object which has already undergone process steps cannot be monitored with respect to quality criteria associated with the processing steps, since individual objects related to their position on an inspection table are not comparable with a more or less continuously running web.

As already mentioned, steps b) and c) are not known from D1.

A technical effect of these features is that the process according to the invention also makes possible an analysis of individual objects which have completely different outlines, since a coordinate system is defined which is invariant with respect to the twist, stretch, reflection, etc. of the object.

Proceeding from D1, the problem addressed by the invention consists in providing a process enabling the outline of a cut-out airbag to be checked.

This problem is solved in the application by generating an object signature independent of

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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position. Since such a process is known from D2, the solution of the problem appears obvious.

Combination of the feature known from D1 with the features known from D2 would yield a process having all the features of the present claim 1.

Therefore, the present application does not meet the requirements of PCT Article 33(3) and consequently the requirements of PCT Article 33(1) are not met.

3. Dependent claims 2-9

Dependent claims 2-9 do not appear to contain any additional features which, in combination with the features of any claim to which they refer back, could lead to subject matter involving an inventive step, since the subject matter of these claims, for example, preparation of a quality protocol or image capture using a transmitted-light or a reflected-light process, is known from the prior art (cf. D1-D6).

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Clarity of the claims**1.1 Claims 1, 2, 3 and 7**

Expressions such as "more particularly", "preferably", "or similar" and "preferred" are vague and indeterminate and render the subject matter of the claims unclear (PCT Article 6). The applicant should therefore reword these claims.

1.2 Claim 6

With respect to the text in parentheses, see PCT Rule 6.2.